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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,604	03/12/2004	Paul Febvre	1487.0150001	6207

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EXAMINER	
NGUYEN, TU X	
ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/12/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

fadkt@skgf.com

Office Action Summary	Application No.	Applicant(s)	
	10/798,604	FEBVRE ET AL.	
	Examiner	Art Unit	
	Tu X. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13,14,18,19,26 and 27* is/are pending in the application.

4a) Of the above claim(s) *1-12,15-17 and 20-25* is/are withdrawn from consideration.

5)☒ Claim(s) *13 and 14* is/are allowed.

6)☒ Claim(s) *18,19,26 and 27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments with respect to claims 18-19 and 26-27 have been considered but are not persuasive.

In response to applicants argue, "Monte generally, do not teach or suggest, at least, "transmitting to each of said transceivers a forward frequency channel allocation signal indicating an allocation of one or more forward frequency channels which that transceiver is to receive," as recited in independent claim 19. The Examiner respectfully disagrees, Monte disclose "a pilot channel enable a terminal to acquire the timing of the forward CDMA channel" (col.9 lines 1-2) and "a message on the forward link paging channel assigning a Walsh code to the user terminal to establish a traffic channel" (see col.9 lines 64-65).

In response to applicants argue, "Monte describes that the return link may or may not be assigned a different channel than the channel assigned on the forward link. (Monte, col. 4, lines 5-14). However, Monte does not teach or suggest, at least, that a respective return channel allocation signal is transmitted "in at least one of said forward frequency channels assigned to the transceiver," as recited in independent claim 19. The Examiner respectfully disagrees, Monte disclose, as mention above "a message on the forward link paging channel assigning a Walsh code to the user terminal to establish a traffic channel" (see col.9 lines 64-65), and more emphasis "the user is assigned the same forward and return link RF channel for each of the satellites" (col.4 lines 11-14).

In response to applicants argue, "In further support of the rejection, the Examiner cites a passage in Monte which appears to describe that a resource allocation (RA) module assigns channels, maximum power levels, etc. to individual ones of the gateways. (Monte, col. 11, line 60 - col. 12, line 11). However, this passage and Monte generally, do not teach or suggest, at least, that "for each forward frequency channel, a set of preferred return frequency channels is stored, such that for each of said transceivers to which a specified one of said forward frequency channels is allocated, the allocated one or more return frequency channels is preferentially selected from said corresponding set of preferred return frequency channels," as recited in independent claim 19. The Examiner respectfully disagrees, Monte disclose a database for channel allocation (fig.2, element62) and as mention above, Monte disclose, as mention above "a message on the forward link paging channel assigning a Walsh code to the user terminal to establish a traffic channel" (see col.9 lines 64-65), and more emphasis "the user is assigned the same forward and return link RF channel for each of the satellites" (col.4 lines 11-14).

In response to applicants argue, Monte do not disclose "channel is shared with transmission by other transceivers". However, Monte disclose "the communications feeder links all shared the C band antennas" with broadest reasonable interpretation.

In response to applicants argue, Monte do not disclose "channel determined according to the predicted demand". However, Monte disclose "The outputs of the LTP and TA are fed to a Capacity Planning (CAP) module which predicts future demand on the system based on the historical demand (col.11 lines 64-65).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-19 and 26-27, are rejected under 35 U.S.C. 102(e) as being anticipated by Monte et al. (US Patent 6,023,606).

Regarding claim 18, Monte et al. disclose detecting the content of said monitored data, wherein the demand for capacity is predicted according to said content (see col.1 lines 51-64).

Regarding claim 19, Monte et al. disclose a method of allocating frequency channels to a plurality of wireless transceivers, comprising:

transmitting to each of said transceivers a forward frequency channel allocation signal indicating an allocation of one or more forward frequency channels which that transceiver is to receive (see col.8 line 65 through col.9 line 5); and

transmitting to each of said transceivers, in at least one said forward frequency channels assigned to that transceiver, a respective return channel allocation signal indicating an allocation of one or more return frequency channels in which that transceiver may transmit (see col.4 lines 5-14);

wherein, for each forward frequency channel, a set of preferred return frequency channels is stored, such that for each of said transceivers to which a specified one of said forward frequency channels is allocated (see col.11 line 60 through col.12 line 11), the allocated

one or more return frequency channels is preferentially selected from said corresponding set of preferred return frequency channels (see col.4 lines 5-13).

Regarding claim 26, Monte et al. disclose a method of controlling transmission by a wireless transceiver in a channel shared with transmission by other transceivers (see col.11 lines 11-12), comprising:

monitoring data transmitted to said transceiver (see col.6 lines 54-55);

predicting, on the basis of said monitoring step, a demand for capacity in said channel by said transceiver (see col.1 line 64 through col.2 line 5), and

transmitting to said transceiver an allocation signal indicating an allocation in said channel determined according to said predicted demand (see col.2 lines 1-5).

Regarding claim 27, Monte et al. disclose including generating a statistical model based on previous traffic flow to and from wireless transceivers, wherein the demand for capacity is predicted according to said statistical model (see col.11 lines 61-65).

Allowable Subject Matter

Claims 13-14, are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claim 13, the prior arts fail to disclose "wherein said repeat parameter indicates a range and includes an increment by which said range is increased after each repetition of step a and b", as cited in the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 3, 2007

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